

26.09.2023
D/L 75
Ct. No.28
(D/O)
(SKB/Suvayan)

CRM (DB) 3026 of 2023

In Re:- An application for cancellation of bail under
section 439(2) of the Code of Criminal Procedure, 1973

And

In the matter of : Ali Oahed @ Oyahed Ali
... Petitioner

Mr. Subir Banerjee,
Mr. Sandip Bandyopadhyay
... for the petitioner

Mr. Tanmoy Kr. Ghosh,
Mr. Arindam Sen
... for the State

Mr. Kaushik chaudhury,
Ms. Buna Khatun
... for the O.P. No.2

1. Heard learned counsel for the parties.
2. Order dated 15.2.2023 granting bail to opposite party no.2 has been assailed.
3. Learned counsel for the petitioner submits after being released on bail opposite party no.2 and his associates threatened and assaulted the petitioner. He lodged written complaint.
4. Learned counsel for opposite party no.2 denies and disputes such allegations.
5. Learned counsel for the State produced the case diary.

6. We have considered the materials on record. The case arises out of a matrimonial dispute. Alleged injury is not serious. After considering the merits of the case, opposite party no.2 was released on bail. With regard to allegation of misuse of liberty, we notice that the allegations are general and omnibus in nature. Date and time of occurrence of alleged threat has not been specifically stated. Hence, we do not wish to cancel the bail of opposite party no. 2 on this score.
7. In the event, opposite party no.2 misuses his liberty in future, the petitioner shall be at liberty to agitate the grievance before the trial court in accordance with law.
8. With the aforesaid observation, the application being CRM (DB) 3026 of 2023 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)